



THE
CIVIL SERVICE
COMMISSION

CIVIL SERVICE RULES



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DEFINITIONS

As used in these Rules, the following terms shall have the meaning as indicated below.

ALLOCATION. The assignment of a class to a pay range or an appropriate pay level.

APPLICANT. Person who has formally applied for a position with the City of Akron.

APPOINTING AUTHORITY. A person, Board, or Commission, having the authority to make appointments to positions in the classified service of the City as prescribed in the City Charter.

APPOINTMENT. The act by the designated authority of selecting and hiring an individual to fill a vacant position in the classified service of the City. An appointment may be made in any one of the following categories:

1. **PROBATIONARY.** An appointment to a position in the classified service which requires the appointee to serve a prescribed period of time during which the appointee's performance is evaluated. This type of appointment may be applied to permanent, temporary, or seasonal employees.
2. **PERMANENT.** The appointment status which is conferred on an individual who has satisfactorily completed the prescribed probationary period for the position in the classified service to which the appointment has been made. Such appointments usually involve continuous year round service, although permanent appointments to part-time positions are possible.
3. **PROVISIONAL.** An original appointment to a position in the classified service without competition, limited to ninety (90) days.
4. **SEASONAL.** An appointment to a position in the classified service which requires the service of the appointee only during certain parts of each year, such dates of service prescribed by ordinance.
5. **TEMPORARY.** Any appointment to a position in the classified service made for a period not to exceed two hundred seventy (270) days.
6. **EMERGENCY.** An appointment to a position in the classified service which requires the services of the appointee, due to an extreme emergency, for a period not to exceed seven (7) calendar days.

CALENDAR YEAR. A twelve (12) month period beginning January 1, and ending December 31.

CANDIDATE. a) Potential applicant for a position with the City of Akron; b) Person seeking a position with the City of Akron.

CLASS OF POSITIONS (CLASS). A position or group of positions with duties and responsibilities which are enough alike to be equitably assigned the same title, the same or similar qualification requirements and selection criteria, and the same pay range.

CLASSIFICATION. The assignment of a position or group of positions to a class.

COMMISSION. The Civil Service Commission of the City of Akron, Ohio.

CONTINUOUS SERVICE. The time a person has been continuously employed, including time served as a full time, temporary, seasonal, provisional or probationary employee where there has been a continuation of employment to permanent status without any break in service.

DEMOTION. Any reduction from one class to another class for which the maximum rate of pay is lower.

ELIGIBILITY LIST. A list of names established either through examination, or reinstatement, for the purpose of filling vacancies in the classified service.

EXAMINATION (TEST). Methods or procedures used by the Department of Human Resources to assess the relative capability of candidates to perform the duties and responsibilities of the position sought. Examinations are one or more of the following types:

1. **OPEN COMPETITIVE.** An examination which is open to all qualified candidates.
2. **PROMOTIONAL COMPETITIVE.** An examination which is open to qualified City employees who are in the classified service of the City of Akron.
3. **COMBINED OPEN AND PROMOTIONAL.** An examination which is open to both types of candidates described in 1 and 2 above.
4. **ASSEMBLED.** A test which requires qualified applicants to report at a designated time or place to participate in the examination.
5. **UNASSEMBLED.** A test which is based on ratings or ranking of experience, education, and a review and evaluation of written material submitted by the applicant.
6. **NON-COMPETITIVE.** An examination which evaluates individual candidates on a non-parametric basis by established criteria of required material.
7. **CONTINUOUS.** A test that is open to all qualified candidates on a continuous basis without restrictions on time of filling until such time as all position(s) are filled.

KNOWLEDGE. Personal wisdom and information obtained through a prescribed course of process of study and/or training to provide acquaintance with or understanding of a science, art, technique or process. When preceded by a qualifying adjective, the knowledge shall have the following meaning:

1. **SOME.** Understanding and information which can be gained with six months to one year of study or training.
2. **KNOWLEDGE.** Understanding and information which can be gained with one to three years of study or training.
3. **CONSIDERABLE.** Understanding and information which can be gained with three to five years of study or training.

4. **EXTENSIVE.** Understanding and information which can be gained with five to seven years of study or training.

MERIT INCREASE. An increase in pay from one pay step to the next successive pay step within a pay range given to qualified employees on their current anniversary date.

PAY RANGE. A group of standard rates of pay with minimum, maximum and intermediate pay steps.

PAY STEP. A standard rate of pay within one or several pay ranges.

DEPARTMENT OF HUMAN RESOURCES. Employees carry out functions, programs and policies of the Human Resources Department under the supervision of the Director.

DIRECTOR OF HUMAN RESOURCES. The Director administers the activities of the Department of Human Resources and exercises general supervision over all personnel policies of the City, subject to the direction of the Mayor. The Director or his/her designee shall act in a fiduciary capacity as Secretary and Chief Examiner to the Civil Service Commission.

POSITION. An officially designated group of duties and responsibilities to be carried out by one employee.

PROMOTION. Any advancement from one class to another class for which the maximum rate of pay is higher.

RULE 1. CLASSIFICATION AND COMPENSATION

SECTION 1.

(a) **CLASSIFICATION PLAN.** A classification plan for the employees in the classified service shall be adopted and maintained by the Civil Service Commission, which plan shall provide for the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities, and so arranged as to permit the filling of the higher grades, so far as practicable, through promotions.

(b) **POWER OF COMMISSION TO CHANGE CLASSES.** The Commission may, from time to time, designate new classes, combine, alter or abolish existing classes. The Commission shall have the sole power to create new classifications.

(c) **CONTENT OF CLASSIFICATION PLAN.** The classification plan which shall be maintained by the Commission shall include an alphabetical listing of all classifications which have been established together with job descriptions for each classification. The categorization of classes into groups and subdivisions shall be reflected in the job descriptions which also identify the general duties, responsibilities and qualification requirements for the kinds of positions included in each classification.

SECTION 2.

(a) **COMPENSATION SCHEDULE.** The compensation schedule shall bear a direct relationship to the classification plan in that the allocation of classes to pay ranges shall be determined with due regard to ranges of pay of other classes, relative difficulty and responsibility of positions in the class, availability of employees in particular occupational categories, prevailing rates for similar employment in private establishments in the Akron area, rates of pay in other jurisdictions, cost-of-living factors, the financial policies of the City, and other economic considerations. The compensation schedule shall include:

- (1) Tables of standard rates of pay indicating the minimum, maximum and intermediate step or steps for each range, as adopted by City Council.
- (2) An alphabetical list of classifications, with the annual rate of compensation for each class.
- (3) Such other listings or tables that are necessary for the administration of the salary plan.

(b) **APPOINTMENTS.** The minimum rate of pay for the type of appointment and for the class shall be paid to any person newly entering the classified service except when, as determined and requested by the department head and approved by the Director of Human Resources, the new employee possesses exceptional qualifications above the established minimum or when, in the determination of the Director of Human Resources, market conditions and salary surveys indicate the need for a higher than minimum appointment step for a given category of employment.

Appointments above the minimum rate shall not be permitted in the Police and Fire sworn services with the exception of the Police Chief and Fire Chief.

(c) **MERIT INCREASES.** No within-range increases may be granted except under the rules governing merit increases. Employees shall receive the next increment step in the pay range for the class, if merited and available, under the rules and regulations of the Civil Service Commission and the financial policies of the City, one year from their employment, promotion, or demotion, to their present class, and each year thereafter, if merited and available, until the maximum step of the allocated pay range for the class is reached.

When a merit increase is suspended because of a break in service, a less than satisfactory service rating, special post-appointment qualification requirements or other Civil Service Commission rules and regulations, the employee's merit increase date is adjusted accordingly, e.g.:

- (1) Break in Service: extended by the number of calendar days that the employee was in a no-pay status.
- (2) Unsatisfactory Service Rating: adjusted to the first day of the rating period following the next satisfactory grade.
- (3) Post Appointment Qualification Requirements: adjusted to the day on which the qualification(s) was/were issued by the appropriate authority.

(d) **PROMOTIONS.** Employees promoted to a position in a class for which the maximum rate of pay is higher, except upon entry into the sworn Police and Fire service, shall receive a salary increase as follows:

- (1) To the minimum rate of pay for the class promoted to which provides an increase at least equal to one full pay step increase in the employee's former range, or
- (2) To the nearest step within the promotion range which provides at least one full step pay increase from the employee's former range. Promotion of a City employee into an entry level position in the sworn Police and Fire services shall be treated as an original appointment for compensation and merit increase date purposes.

(e) **TRANSFERS.** Except for transfers into or between the Police or Fire sworn services, employees transferring from one class to another within the same range and salary schedule retain their current pay rate and merit increase date.

Transfers into or between entrance-level classes in the Police or Fire sworn services are treated as original appointments for compensation and merit increase date purposes.

(f) **DEMOTIONS, VOLUNTARY.** Non-probationary employees demoted under Civil Service Rules for causes other than disciplinary or when the employee is appointed to a class with a maximum rate lower than the employee's current maximum rate, shall be placed in the new class as follows:

- (1) At the employee's current rate of pay if their current rate of pay is within the limits of the range for the lower-level class. The employee's merit increase date does not change.
- (2) To the maximum rate of pay of the lower-level class if the employee's current rate of pay is the same as or exceeds the maximum for the class.

(g) **DEMOTIONS FOR CAUSE.** Employees demoted under Civil Service Rules for disciplinary actions shall be reduced in pay as follows:

- (1) To the maximum rate of pay for the lower-level class if the maximum rate provides at least one full step pay reduction in the employee's former range, or
- (2) To the nearest step in the lower-level class which provides at least one full step pay reduction in the employee's former range.
- (3) In both (a) and (b), the employee's merit increase date changes to the effective date of the demotion.

(h) **FAILURE OF PROBATIONARY PERIOD.** Promoted employees who fail to successfully complete a probationary period or who request a voluntary demotion during the probationary period and are returned to their former class shall be returned to their former range and step.

- (1) Employees who cannot be returned to their former class shall, insofar as possible, be returned to a lower level or similar class at the pay step which most closely reflects their former range and step.
- (2) Merit increase dates are extended by the length of time served in the probationary class.

(i) **REALLOCATIONS.**

- (1) When a class is reallocated to a higher range in the compensation schedule by the Civil Service Commission, affected employees are provided a salary increase in accordance with the rules for promotion.
- (2) When a class is reallocated to a lower range in the compensation schedule or when a position is reclassified to a lower-level class due to a change in classification criteria, present incumbents of the reduced class or position shall not have their pay or pay potential reduced because of the class reduction action so long as their service in the class is continuous. New appointments into the class shall be made at the reduced range.

(j) **RETURN TO THE CITY SERVICE.** As provided by the rules and regulations of the Civil Service Commission:

- (1) Employees who have successfully completed the probationary period for a permanent appointment, have separated and then return to permanent employment with the City within the limits of reinstatement, shall be restored, insofar as possible, to the pay step and merit increase date which most closely reflects their prior service in the former class, range and step.
- (2) Employees who return to the City service from a permanent reemployment list shall be restored, insofar as possible, to the pay step and merit increase date which most closely reflects their prior service in the former class, range and step.
- (3) Employees who return to the City service after the reinstatement period has expired, are treated as original appointments.

(k) **TEMPORARY COMPENSATION CHANGES.** Pay increases resulting from temporary actions as adopted by the Civil Service Commission, are treated as promotions for compensation purposes, except that merit increase dates do not change. When returning to the former class, employees are placed in the step which reflects their length of service since appointment to the former class.

(l) **SPECIAL COMPENSATION SYSTEMS.** The Civil Service Commission may adopt administrative rules or pay policies for particular situations or to implement and carry out special compensation systems for particular categories of employment. Such administrative rules or policies shall be adopted and amended in the same way that Civil Service Rules are adopted and amended.

(m) **SERIES OF ACTIONS.** When a series of personnel actions create a situation not covered by Civil Service Rules, administrative rules of the Commission, or established pay policies of the Commission, it shall be the general policy that a permanent employee serves no more and no less than one year at a given pay step or equal monetary value of the step within the range for the class before becoming eligible for the next pay step available in the class.

RULE 2. APPLICANTS AND APPLICATIONS

SECTION 1. GENERAL APPLICATION REQUIREMENTS. Unless waived, all applicants must:

- (a) Be eligible to work in the United States.
- (b) Meet the minimum requirements as stated in the examination announcement.

SECTION 2. CHANGES IN ADDRESS OF APPLICANTS. Any applicant who changes his or her address after filing application shall notify the Department of Human Resources of the new address.

SECTION 3. AGE REQUIREMENTS. Applicants for examination must be at least seventeen (17) provided, however, that the Commission may change the minimum age limit and fix other limits for any examination, or particular work by giving notice of the limits prescribed in the notice of such examination.

The age for retirement of members of the classified service shall be as provided by State and/or Federal law.

SECTION 4. ACCEPTANCE AND REJECTION OF APPLICATIONS.

(1) FILING OF APPLICATIONS.

- (a) All applications shall be completed by the applicant on forms furnished by the Department of Human Resources and filed in the manner prescribed. The statements made therein and any attached or supplementary documents shall be confirmed by signature of the applicant whether electronically or by hand.
- (b) All applications shall be submitted by methods set forth by the Department of Human Resources and must be filed within the posted time limits. Applications shall be noted with the date and time of filing in the Department of Human Resources.
- (c) No questions on the application shall relate to race, color, religion, sex, genetic information, national origin, disability, or political opinions or affiliations.
- (d) No questions on the application shall relate to criminal convictions.

(2) CHARACTER AND PERSONAL FITNESS OF APPLICANTS. The Department of Human Resources may investigate the circumstances pertaining to the conviction record of applicants and may accept or reject such application based on local, state and federal laws, licensing requirements, job relatedness, nature and seriousness of the conviction(s), the recency of the conviction(s), and the employment history of the applicant since the conviction(s), and other relevant factors.

(3) REQUIRED LICENSES, CERTIFICATIONS AND REGISTRATIONS. For a position requiring a license, certificate or registration within the State, as evidence of professional or technical proficiency and such is required by law to practice a trade or profession, the Department of Human Resources may, in its discretion, require the

submission thereof at the time of application or may designate other time for submission.

- (4) **VETERANS' PREFERENCE.** A candidate participating in an open competitive or promotional examination, who obtains a passing grade on the examination, shall have twenty percent (20%) of such grade added to the examination score provided the candidate:
1. Meets the minimum qualifications for the position.
 2. Has served on active duty in the Armed Forces of the United States of America for more than one hundred-eighty (180) days, other than for training purposes.
 3. Submits proof of being honorably discharged from active duty as prescribed by the Director of Human Resources.
- (5) **RESIDENCY PREFERENCE.** A candidate participating in an open competitive or promotional examination, who obtains a passing grade on the examination, shall have twenty percent (20%) of such grade added to the examination score provided the candidate:
1. Meets the minimum qualifications for the position.
 2. Has been a resident citizen for at least one (1) year immediately prior to the date of the examination.
 3. Remains a resident citizen of the City of Akron throughout the selection process.
 4. Residency preference points shall be determined without taking into account veterans' preference points. Veterans' preference points shall be determined without taking into account residency preference points.
- (6) **FINGERPRINTING.** Fingerprinting shall be required as a condition of employment for all positions in the classified service.
- (7) **ACQUISITION OF OTHER AGENCIES - RESIDENCY.** In the event that the City takes over a public utility or agency, and when the Director of Human Resources finds that it is in the best interest of the citizens of Akron and that it could not operate to subvert the merit selection and civil service system of the City, the Civil Service Commission may exempt the employees of such public utility or agency who have been in the service of said public utility or agency for three (3) years prior to the time of such acquisition, from the residency requirement

SECTION 5. CAUSES FOR DISQUALIFICATION.

- (1) Although rejection may be based upon causes other than those enumerated, the following are declared to be cause for rejection of the application or disqualification of applicant, if the Director of Human Resources shall find that the applicant:
- (a) Is found to lack any of the minimum qualifications as stated in the examination announcements.

- (b) Is unable to perform the essential functions of the position for which he seeks appointment with or without reasonable accommodation.
 - (c) Tests positive for the use of alcohol, illegal drugs, or the illegal use of prescribed drugs.
 - (d) Has been previously dismissed from any public service for inefficiency, delinquency or misconduct, or has quit the City service under charges.
 - (e) Has been guilty of any crime(s) that would preclude the applicant from employment based on job relatedness.
 - (f) Has intentionally made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud in an application or examination.
 - (g) Has not completed eligibility requirements as to length of service by the final date for submitting applications as set forth in the examination announcement.
- (2) Any person who, by order of the Director of Human Resources, is denied permission to compete in any examination, or whose examination is disqualified may, within five (5) days after postmark of notice of rejection or disqualification, appeal in writing to the Commission for a review of such ruling. The Commission shall afford such appellant an opportunity to be heard.
- (3) Failure to submit a complete application to the Department of Human Resources on or before the last date for receiving applications as published in the examination announcement may be deemed sufficient cause for rejection.

RULE 3. EXAMINATIONS

SECTION 1. ANNOUNCEMENT OF EXAMINATIONS.

- (1) The Director of Human Resources shall post announcements of competitive examinations to fill vacancies in the classified service, and to provide and maintain eligibility lists for classifications for which vacancies are likely to occur. The announcements shall be posted for at least fifteen (15) calendar days prior to each examination. The official announcements shall be posted in the Department of Human Resources, as well as on the City of Akron's website. The Director of Human Resources may give examinations such other publicity as deemed necessary.
- (2) Examination announcements shall contain the title, definition, salary range, and minimum qualifications for the classification. The announcements shall also contain information regarding dates, time, method and place of application. The Director of Human Resources may publish in the announcement such additional information, requirements or restrictions as deemed necessary to assist potential applicants.
- (3) A series of open or promotional competitive examinations for the same class of positions may be posted in a single announcement. The examinations for such class of positions may be administered from time to time as applicants are available or as appointments are necessary. The names of eligible persons from such examinations shall be placed on a single master eligibility list in the order of their final grades and from which certification shall be made accordingly.
- (4) Promotional examination announcements shall be sent to all departments and the Director of Human Resources may require notice of receipt of such announcements. Department heads shall ensure that such announcements are posted throughout the departments.

SECTION 2. KINDS OF EXAMINATIONS. Examinations shall consist of one or more of the following:

- (1) Open competitive examinations, which shall be in part an assembled examination and require applicants to report at a designated time and place to participate in tests prescribed by the Director of Human Resources.
- (2) Promotional competitive examinations, which shall be in part an assembled examination and require applicants to report at a designated time and place to participate in tests prescribed by the Director of Human Resources.
- (3) Competitive unassembled examinations, which shall rank, rate or score the applicant in a standard manner as prescribed by the Director of Human Resources based on information, records and data supplied by the applicant.
- (4) Non-competitive examinations may be held for entrance-level positions which involve unskilled or laboring duties of a part-time, temporary or seasonal nature when competition is found to be impracticable.

- (5) The Commission may suspend competition for positions which require exceptional qualifications of a scientific, managerial, professional or educational nature and accept the appointment of some designated person of recognized attainment in a position requiring such exceptional qualifications provided that satisfactory evidence can be presented to the Commission showing that competition is impracticable and the posting of an examination announcement has resulted in an insufficient number of qualified applicants.

SECTION 3. ADMINISTRATION OF EXAMINATIONS.

- (1) Examinations shall be under the direction of the Director of Human Resources and conducted by representatives of the staff or by special examiners. The Director of Human Resources may designate and appoint special examiners to conduct any part of an examination.
- (2) Examinations shall be scheduled as frequently as the needs of the service may require and may be held at such places and times as the Director of Human Resources deems advisable.
- (3) No applicant shall be admitted to any assembled examination after any other applicant has completed or withdrawn from examination and left the examination room. The Director of Human Resources may refuse to admit an applicant to an examination if timed tests have started.
- (4) Visitors or observers shall not be admitted to the examination room during any examination except by permission of the Director of Human Resources.
- (5) The Director of Human Resources may provide reasonable accommodation for disabled applicants who are otherwise qualified.

SECTION 4. CHARACTER OF EXAMINATIONS. All examinations and tests shall be practical and impartial and shall relate to matters which will fairly test, measure and assess the relative capacity or potential of the person examined to discharge the duties and responsibilities of the position sought.

SECTION 5. CONTENT OF EXAMINATIONS. Examinations may contain one or more of the following tests as may be determined by the Director of Human Resources.

- (1) Written tests of aptitudes, achievement and knowledge of the work.
- (2) Written tests which evaluate mental fitness, character traits and attitudes, provided such tests shall be related to the duties of the position sought.
- (3) Oral interviews or ratings which evaluate personal qualifications and communication skills, provided such tests or ratings are practical, competitive and related to duties of the position sought.
- (4) Ratings or unassembled tests which evaluate education, training and/or experience. Such ratings shall be practical and competitive.
- (5) Performance or skill tests which provide for assessment of applicants' abilities and skills to perform the duties of the position sought.

- (6) Physical fitness, athletic or tests of physical agility and skill.

SECTION 6. MEDICAL EXAMINATIONS. The Director of Human Resources shall determine whether applicants for any position possess the prescribed standards of health, physical attributes and fitness necessary to perform the duties and responsibilities of the position sought. Medical examinations will only be administered after a candidate is given a conditional job offer.

- (1) All candidates who are eligible for an original permanent appointment to a position must qualify by passing a medical examination administered by a licensed physician. The results of the medical examination will be used to determine if the applicants possess the necessary physical attributes and fitness to perform the duties and responsibilities of the position sought. The medical examination will not be part of the applicant's final grade or examination average.
- (2) Where positions require special physical or specific standards of fitness, as prescribed by state or federal law or the Commission, the Director of Human Resources shall determine if eligible candidates meet the standards and/or possess the special physical requirements by medical examination or tests prior to appointment to the position.
- (3) The Director of Human Resources may, as deemed necessary, require previous employees, applicants reinstated to eligible lists, temporary, seasonal or part-time applicants to pass a medical examination to determine whether they possess the required standards of health, physical attributes and fitness necessary to perform the duties of the position sought.
- (4) The Commission may, as required, designate a licensed physician as a medical consultant on all procedures, methods, examinations and policies related to physical requirements, standards and fitness.

SECTION 7. POSTPONEMENT AND CANCELLATION OF EXAMINATIONS. The Director of Human Resources shall have the right to cancel or postpone any examination because of an inadequate number of applications, or non-attendance of special examiners, or for other sufficient cause, or to cancel any examination, the holding of which becomes unnecessary because of change in the personnel requirements of appointing officers.

SECTION 8. GRADING OF EXAMINATIONS. Examinations shall be graded by statistical methods which proportions and converts individual scores on a scale where 100% represents the highest possible attainment and 70% represents the minimum acceptable attainment. In order to attain a place on the eligibility list, a candidate's final general average in the examination must be no less than 70%, provided, however, that the Director of Human Resources may, with the approval of the Commission, require at least 70% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 70% in that part of the examination will disqualify him in the entire examination.

SECTION 9. COMBINED OPEN AND PROMOTIONAL EXAMINATIONS. When, in the judgment of the Director of Human Resources, an insufficient number of qualified promotional candidates are available for an examination, he may announce a combined open and promotional examination. Applicants for a combined examination who have achieved permanent status and possess sufficient experience in the classified service to meet the

minimum qualifications for the class, as set forth in the examination announcement, if otherwise qualified, shall compete on a promotional basis and, if eligible, shall be placed on a separate promotional eligibility list. Eligibility lists resulting from combined open and promotional examinations shall be administered in accordance with Rules 4 and 6.

SECTION 10. ELIGIBILITY FOR REPEATING EXAMINATIONS. No person who has taken a competitive assembled examination shall be permitted to be re-examined for the same classification within 180 calendar days from the date of the examination unless a substantially different form of the examination is used. However, if in the judgment of the Director of Human Resources the examination did not result in an adequate number of persons on the eligibility list or, if deemed in the best interest of the service, this period of time may be reduced to 60 days from the examination date. The 180 day period shall, however, not be reduced for an examinee who has inspected the examination paper.

This section shall not be applicable to persons repeating tests of strength, agility, or physical fitness. Eligibility for repeating these tests will be determined by the Director of Human Resources.

SECTION 11. NOTICE OF RESULTS OF EXAMINATIONS. As soon as the rating of an examination has been completed and an eligibility list established, each competitor shall be notified by mail of the results of the examination and, if successful, of the competitor's final average and relative position on the eligibility list. In examinations which are open for an indefinite period and for which tests are held periodically and supplementary lists established, eligibility will be determined by the final average of eligible persons without reference to the date they qualified in the examination.

SECTION 12. INSPECTION OF EXAMINATION PAPERS BY CANDIDATES.

- (1) All applications, selection devices, and examination papers are the property of the Commission and shall be treated as confidential records to the maximum extent possible under law.
- (2) Except as provided below, an examinee may, upon receiving notification of grade, review the keyed copy of the examination and his own answer sheet. This review must be requested and held within ten (10) calendar days of notice of the examination results. Note-taking in regard to the exam content shall not be permitted. If, in the examinee's opinion an injustice has been done, the examinee may appeal to the Commission in writing specifying in detail their objection to each protested question.
- (3) The scoring by the examiners shall be deemed prima facie correct. No examination answer sheet or related document shall be altered by the examinee. However, any manifest error of scoring may be corrected by the Director of Human Resources.
- (4) Examinees shall not be permitted to inspect examination papers or selection devices used for purpose of employment, promotion, or research:
 1. where inspection would reduce the validity of the selection devices, or
 2. when such materials are commercially published, or

3. where inspection would violate a test security agreement between the test publisher and the Department of Human Resources.
- (5) The Director of Human Resources may, in the interest of efficiency, authorize inspection periods prior to the examinees receiving notification of their grades and may authorize more than one inspection period for a given examination. In no case will these inspection periods be less than five (5) days in length, exclusive of Saturdays, Sundays, and holidays. The inspections shall be conducted during regular working hours of the Department of Human Resources.

SECTION 13. PRESERVATION OF EXAMINATION PAPERS. Applications and examination papers of candidates who failed in examinations shall be on file in the Human Resource Department for thirty days after the expiration of the inspection period. Applications and examination papers of eligible candidates who attained the highest final average in each examination shall be preserved as well as the files containing the grades of all candidates who competed in the examination. After the expiration of the eligibility lists, applications and examination papers may be destroyed in compliance with applicable law.

SECTION 14. RESEARCH AND DEVELOPMENT. When technically feasible, the Human Resource Department shall conduct research, studies and programs necessary to the development, construction, and validation of examinations and selection devices. The Director of Human Resources may require the participation and cooperation of City of Akron employees and designate consultants or other experts to assist in carrying out such research, studies and programs.

RULE 4. ELIGIBILITY LISTS

SECTION 1. LIST OF ELIGIBLE CANDIDATES. The Director of Human Resources shall maintain a list of eligible candidates for each classification in the classified service for which either original entrance or promotional examinations have been given.

SECTION 2. PROMULGATION. An eligibility list shall be in effect from the date on which it is signed and promulgated by the Director of Human Resources.

SECTION 3. DURATION OF ELIGIBILITY LISTS: Promotional eligibility lists established for sworn positions in the Fire and Police Divisions shall be in effect for a period of two years. Open eligibility lists established for sworn positions in the Fire and Police Divisions shall be in effect for a period of eighteen (18) months. All other eligibility lists shall be in effect for a period of one year. However, an eligibility list that has less than three names may be abolished sooner if deemed to be in the best interests of the City by the Director of Human Resources.

Promotional eligibility lists may only be used to fill those vacancies which existed before the establishment of the list and for those vacancies that occur during the normal life of the eligibility list as defined in Civil Service Rule 4. If the life of the promotional eligibility list is extended for any reason, no vacancies shall be filled from the list that did not exist as of or prior to the normal expiration date.

SECTION 4. FAILURE TO REPLY. Failure to receive a response to a questionnaire in regard to availability will result in the eligible being passed over and he will not be given further consideration, unless reasons presented for failure to respond meet with the approval of the Director of Human Resources.

SECTION 5. REMOVAL OF ELIGIBLE CANDIDATES FROM LIST. The name of an eligible candidate may be removed from the eligibility list for the following causes:

1. For any cause enumerated in Rule 2, Section 5.
2. Failure to respond to an inquiry notice from the Human Resource Department Office as to availability.
3. Failure to notify the Director of Human Resources of any changes in address or inability of Human Resource Department to contact the candidate by the candidate's requested method of notification as documented on the candidate's application.
4. Refusal of the candidate to accept an appointment without a reason satisfactory to the Director of Human Resources.
5. Failure to meet the minimum qualifications for classification at the time of certification.
6. Based on the candidate's conviction record.
7. For any other cause which, in the judgment of the Director of Human Resources, is in the best interest of the City.

SECTION 6. REINSTATEMENT REQUESTS. Reinstatement to an eligible list may be had under the following conditions: A request for reinstatement to an eligible list must be made in writing. The average of the efficiency ratings of such applicant for the year preceding resignation must be at least 80%. Any employee whose appointment has become permanent after serving his probationary period satisfactorily who, without fault or delinquency on his part, resigns of his own free will from the service may, after three months and within one year from the date of said resignation, request reinstatement to the eligible list for the class in which such service was rendered, and the Director of Human Resources shall, in his discretion, grant or deny such request. If the request is granted, the position on such eligible list shall be determined by his previous examination grade. Eligibility shall continue for a period of one year, unless the name is removed in accordance with Rule 2, Section 5.

RULE 5. SEASONAL REEMPLOYMENT

Employees who have been appointed for seasonal work and who have served satisfactorily during the season for which appointed shall, if otherwise qualified, have their names placed upon the seasonal list for the class in which they were employed. The order of names on the seasonal list shall be in accordance with the efficiency ratings and shall be revised at the beginning of each calendar year. If efficiency ratings, which must be at least 80%, are equal, seniority shall determine the place on the list. If an employee, whose name is on a seasonal list, fails to work successive seasons, that name shall be automatically removed from the list and that person shall have no further Civil Service standing.

RULE 6. REQUISITION AND CERTIFICATION

SECTION 1. REQUEST FOR CERTIFICATION. Whenever a vacancy in the classified service is to be filled, the Appointing Authority shall submit a requisition to the Director of Human Resources in a manner set forth by the Director. Such requisition shall specify the department, the class, and compensation to be paid, also whether the service is temporary, seasonal, or permanent, when the service is to begin, and the probable length of such service, if not permanent.

SECTION 2. PRIORITY OF EMPLOYMENT LISTS. Certification shall be made from existing employment lists in the following order of preference:

- (1) Reemployment from layoff lists;
- (2) Eligibility lists (promotional);
- (3) Eligibility lists (open).

SECTION 3. CERTIFICATION FROM ELIGIBILITY LIST. Upon receipt of a requisition for certification of an eligibility list to fill a vacancy, in the absence of a reemployment from layoff list, the Director of Human Resources shall certify from the appropriate eligibility list the names of the persons with the three highest scores on such list. The Appointing Authority shall select from the list of eligible persons certified by the Director of Human Resources unless objection is made regarding a candidate on the eligibility list as provided in Rule 6, Section 5. Whenever a complete certification contains fewer than three names, such persons shall be certified and permanent appointments may be made at the discretion of the Appointing Authority. An Appointing Authority may request a full certification. A candidate certified three times from an eligibility list to the same or similar position may be omitted from future certifications.

To expedite the process of filling more than one vacancy, additional names shall be sent to the Appointing Authority, but the rule of three scores shall be followed in the appointment process: for each position to be filled, the names of the persons with the three highest scores shall be certified, and one of said group shall be appointed. When a person has been certified three times from the same eligibility list to an Appointing Authority who is filling several positions, and upon the request of the Appointing Authority, the Director of Human Resources shall omit the person from future certifications to that Appointing Authority.

A fewer number may be certified when there is not the required number on the eligibility list. No person shall be certified from a promotional eligibility list when permanently separated from the service of the City except as provided for under Rule 4, Section 5, Subsection 1.

SECTION 4. NOTICE OF CERTIFICATION TO ELIGIBLE PERSON. Whenever the name of an applicant is certified to an Appointing Authority, that applicant shall be notified of certification by a notice sent by the method selected by the applicant as it appears on the application the applicant submitted.

Such notice shall state the title of position, employment status, and the department in which the vacancy exists, and such additional information as the Director of Human Resources deems appropriate.

SECTION 5. OBJECTION AND SUBSTITUTION. In case an Appointing Authority objects to the certification of any eligible, the reasons for objection must be stated specifically in writing and are subject to investigation by the Commission. Any cause contained in Rule 4, Section 5, shall be deemed sufficient reason for objection, but the Commission may approve objection for other causes. The person, against whom objection is made, and the department head may be granted the opportunity of being heard by the Commission. If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified and notice of withdrawal of certification sent to the person against whom the objection was sustained.

RULE 7. APPOINTMENTS

SECTION 1. PERMANENT APPOINTMENT. Employment of a person in a position regularly established without limitation as to the length of such service and subject to a probationary period shall be considered a permanent appointment.

- (1) **PROBATIONARY PERIOD PURPOSE.** The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for dismissing any employee whose performance does not meet required work standards.
 - (a) All permanent appointments from open-competitive eligibility lists shall be subject to a ninety (90) day probationary period from the date of such appointment, except permanent appointments of candidates from open competitive eligibility lists to salaried positions, which shall be subject to a probationary period of one hundred eighty (180) days. The established probationary period shall be extended beyond the prescribed limits to cover the period of time which employees entering the classification are required to participate in formal, full-time training programs. The combined training and probationary period shall not exceed nine (9) months. An employee may be discharged at any time within the probationary period by the Appointing Authority.
 - (b) Any permanent employee who has been promoted from an open or promotional eligibility list shall be on probation for a period of ninety (90) days from the date of such appointment, except as provided under Rule 7, Section 1, (a). If at any time during that period the service of the appointed is not satisfactory, the employee may be reduced by the Appointing Authority to the position held prior to the promotion. However, if that position is filled or is not funded, the employee shall be reduced to another position in that classification or similar classification as designated by the Director of Human Resources.

The established probationary period shall be extended beyond the prescribed limits to cover the period of time which employees entering the classification are required to participate in formal, full-time training programs. The combined training and probationary period shall not exceed nine (9) months.

- (2) **DUTY OF APPOINTING AUTHORITY DURING PROBATIONARY PERIOD.** It shall be the duty of the Appointing Authority during the probationary period of each employee in the classified service to investigate thoroughly the efficiency, conduct and integrity of such employee, and to determine whether or not the employee shall be retained in the City service in the class to which the appointment was made, and so notify the Department of Human Resources on the prescribed forms.

SECTION 2. TEMPORARY APPOINTMENT. If it is anticipated that a position will not exceed two hundred seventy (270) days in duration, such a position shall be filled by temporary appointment from the appropriate eligibility list, provided that the acceptance or declination of appointment to such position shall not affect the right of an eligible person to certification for permanent appointment. At the expiration of two hundred seventy (270) days, the services of the temporary employee shall be terminated.

SECTION 3. PROVISIONAL APPOINTMENT. When it is urgent that an immediate appointment be made to fill a vacant position and no one is available on an appropriate eligibility list, any person approved by the Director of Human Resources may be appointed provisionally to fill the vacancy until an appropriate eligibility list has been established. In no case shall a provisional appointment continue longer than ninety (90) days, nor shall there be a successive appointment of the same person.

SECTION 4. EMERGENCY APPOINTMENT. In case of extreme emergency when it is in the interest of public safety, welfare, or economy to employ persons most readily available for the performance of certain work, an Appointing Authority may secure the necessary help, wherever possible, irrespective of the existence of suitable eligibility lists. Within twenty-four (24) hours of making an emergency appointment, the Appointing Authority shall so notify the Director of Human Resources in writing, stating the reasons for such appointment and such other information as the Director of Human Resources may require. Emergency appointments may be canceled at any time by either the Appointing Authority or the Director of Human Resources. Such appointments shall last no longer than seven (7) calendar days, but in the absence of available persons on suitable eligibility lists and with the approval of the Director of Human Resources, an emergency appointment may become a provisional appointment, the beginning date of which shall be considered to be the day work commenced under emergency appointment.

RULE 8. PROMOTIONS

SECTION 1. PROMOTIONS. Any advancement to a position for which the maximum salary is higher constitutes a promotion. As far as practical and consistent with the best interests of the City, promotions shall be made by competitive examination.

SECTION 2. ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS. Promotional examination shall be limited to permanent employees in the classified service of the City of Akron whose experience in the classified service meets the minimum qualifications as set forth in the promotional examination announcement and who are otherwise qualified.

- (1) Whenever experience in lower classifications tends to qualify employees for higher positions, the Director of Human Resources may designate in the promotional examination announcement a line of promotion as the probable source of recruitment and all candidates who have successfully completed the probationary period in the designated lower class, if otherwise qualified, shall be eligible to take the promotional examination.
- (2) The Director of Human Resources may determine and, at the discretion of the Commission, limit the promotional examination eligibility to permanent employees who have completed one year or more of satisfactory service with the City in a designated class or classes. Such a designation shall be published in the promotional examination announcement indicating the line of promotion and length of satisfactory service necessary for eligibility.
- (3) Nothing in the preceding paragraphs of this Section shall exclude permanent employees of the City from competition in promotional examinations if their experience in the classified service is of the type and duration to meet the minimum qualifications as set forth in the promotional examination announcement and they are otherwise qualified.

SECTION 3. SCHEDULING OF PROMOTIONAL EXAMINATIONS. Whenever there are two or more eligible employees within the City service to compete for a higher vacancy, a promotional examination may be held. When, in the judgment of the Director of Human Resources, an insufficient number of qualified promotional candidates are available for an examination, he may announce a combined open and promotional examination. In exceptional cases, the Commission may authorize the promotion of an eligible employee upon presentation of satisfactory evidence that competition is impractical and the provisions of Rule 3, Section 2, Subsection (5) have been met.

SECTION 4. GRADING OF PROMOTIONAL EXAMINATIONS. Promotional examinations shall be graded in accordance with Rule 3, Section 8. The final grade of the promotional candidate shall be determined by computing the candidate's seniority, efficiency and passing assembled examination grade in a manner which provides for efficiency having twice the weight of seniority.

- (1) Efficiency credit for promotional examinations shall be determined from all ratings received by the candidate during the year immediately preceding the promotional examination. Percentage credit for efficiency shall be computed by averaging the ratings. Eligibility for efficiency credit shall be in accordance with Rule 12.

- (2) Seniority credit shall be given based on continuous service with the City and up to the maximum allowance of 14 years. Continuous service shall be determined in accordance with Rule 12, Section 2.
- (3) Efficiency and seniority credit shall not be awarded to promotional candidates who fail to achieve a passing grade on the assembled examination.
- (4) Veterans and residency preference points shall be awarded in accordance with Rule 2, Section 4, Subsections (4) and (5).

RULE 9. TRANSFERS

SECTION 1. A request for any transfer other than a position transfer must be in writing and must state the reasons for the request. The request may be made by the Appointing Authorities or employee concerned and shall be subject to the approval of the Director of Human Resources.

- (1) **DIVISION TRANSFER.** The transfer of an employee from a position in one division to a position in the same class in another division shall be called a "Division Transfer".
- (2) **CLASS TRANSFER.** The transfer of an employee from a position in one class to a position in another class for which the pay is the same, shall be called a "Class Transfer".
- (3) **POSITION TRANSFER.** The transfer of an employee from one position to another position in the same class within a division.
- (4) **TRANSFER FOR TEMPORARY WORK.** Transfers may be made for temporary or emergency work.

RULE 10. DISMISSAL, SUSPENSION, DEMOTION, SEPARATION, RESIGNATION

SECTION 1. DISCIPLINARY ACTION. Any officer or employee in the classified service who has completed the probationary period may be dismissed, suspended or demoted for just and reasonable cause and upon specific written charges by the Appointing Authority.

SECTION 2. CAUSES FOR DISCIPLINARY ACTION. Causes for dismissal, suspension or demotion shall include, but are not limited to:

- (a) Excessive absenteeism or tardiness.
- (b) Incompetency or inefficiency.
- (c) Misconduct toward other City employees or officials or the public.
- (d) Insubordination or other failure to obey any lawful and reasonable rule, regulation or direction.
- (e) Solicitation or acceptance of any valuable given in hope or expectation of favored treatment.
- (f) Conviction of a criminal offense involving moral turpitude.
- (g) Willful or negligent conduct which causes waste or damage to public property.
- (h) Conduct unbecoming an officer or employee of the City.
- (i) Absence without leave.
- (j) Refusal to terminate outside employment which is incompatible with or detrimental to job performance or is a discredit to the City of Akron.
- (k) Strong evidence of violation of a felony statute where retention of such employee is not in the public interest.

SECTION 3. DEMOTION FOR CAUSES OTHER THAN DISCIPLINARY ACTION. The reduction of an employee from a position in a class to a position in another class for which the maximum rate of pay is lower, shall be called a "Demotion".

- (1) **PHYSICAL OR MENTAL INCAPACITATION.** When an employee becomes physically or mentally incapacitated in the performance of the duties of a position, the Appointing Authority on its own initiative or at the request of such employee may, with the consent of the Director of Human Resources, reduce the employee to a vacant position in a lower grade which the employee has the ability to fill.
- (2) **FAILURE TO MEET THE MINIMUM QUALIFICATIONS.** When an employee fails to continue to meet the minimum qualifications of the Class, the Appointing Authority on its own initiative or at the request of such employee may, with the consent of the Director of Human Resources, reduce the employee to a vacant position in a lower grade which the employee has the ability to fill.
- (3) **OTHER VOLUNTARY CAUSES.** Such a reduction may be made for any reason upon the written request of the employee and the approval of the Appointing Authority and with the consent of the Director of Human Resources.

SECTION 4. DISMISSAL, SUSPENSION, AND DEMOTION PROCEDURE.

- (1) **NOTICE.** The discharge, suspension, or demotion of a permanent employee shall not become effective until such employee has been served with a written notice of charges and a copy of the notice has been filed with the Commission.

The notice shall contain grounds for the action and such specifications of facts as will enable the employee to make explanation.

- (2) **APPEAL TO THE COMMISSION.** A discharged, suspended, or demoted employee may appeal in writing to the Commission within ten (10) days of the service of charges. The Commission shall hear such an appeal within thirty (30) days commencing from the date of receipt of the employee's written timely appeal. Where the employee is to be represented by counsel, the Director of Human Resources may request that stipulations, depositions, and like documents be prepared prior to the hearing.

The Human Resource Department shall send written notice of the time and place of the hearing shall by first class mail to the charged employee.

- (3) **HEARING.**

(a) The hearing shall be open to the public.

(b) The Commission shall hear the evidence upon the charges and specifications as filed with it by the Appointing Authority.

(c) No material amendments of or addition to the charges or specifications will be considered by the Commission.

(d) The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the matter through oral testimony and records presented at the hearing, which is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit and provisions of the Charter.

(e) The testimony taken at the hearing shall be under oath.

(f) The Commission shall have the power to:

(i) subpoena and require the attendance of witnesses and the production of pertinent records; and

(ii) to administer oaths; and,

(iii) if necessary, to continue the hearing from time to time.

(iv) order stipulations, depositions and like documents to be prepared by the parties.

- (g) If the employee or the Appointing Authority or both shall fail to appear at the time set for the hearing, the Commission may hear the evidence and render judgment.
- (4) **DETERMINATION.** The Commission may affirm, disaffirm, or modify the action of the Appointing Authority. It shall report its findings and decision to the Appointing Authority. Final disposition of the matter shall be made by the Appointing Authority as so determined by the Commission.
- (5) **FURTHER APPEAL.** Either the employee or the Appointing Authority may appeal the Commission's action to the Court of Common Pleas within the time period allowed, pursuant to Ohio Revised Code Chapter 2506.

The Director of Human Resources shall have an appeal directly to the Court of Common Pleas.

SECTION 5. DISABILITY SEPARATION. An Appointing Authority may separate from employment an employee who cannot perform the essential functions of the job with or without a reasonable accommodation.

SECTION 6. RESIGNATION.

- (1) To resign in good standing, an employee must submit a written resignation to the Appointing Authority at least two weeks prior to the date the employee intends to leave. This two week notice requirement may be waived by the Appointing Authority.
- (2) If an Appointing Authority accepts the resignation of an individual who has been served with a dismissal notice, and such notice has been filed with the Commission, the acceptance of the resignation constitutes resignation in bad standing. Such individual shall not be eligible for vacation pay or terminal leave pay. The charges shall be deemed withdrawn and the proceedings shall be dismissed without judgment. The resignation shall be effective immediately and may not be withdrawn.
- (3) Absence without leave for five (5) consecutive work days shall constitute resignation in bad standing.

Upon submission of sufficient evidence that the employee was physically or mentally unable to notify the Appointing Authority in person or through another person of the reason for such absence, the Appointing Authority may request the individual's reinstatement. This reinstatement is subject to the approval of the Director of Human Resources. Such evidence must be submitted to the Director of Human Resources within five (5) days of the effective date of the resignation in bad standing.

This rule does not preclude dismissal action for a shorter period of absence if the absence is of sufficient seriousness.

SECTION 7. ATTAINMENT OF AN ILLEGAL OR FRAUDULENT APPOINTMENT. An appointment found, upon investigation by the Commission, to have been obtained through fraud or material misrepresentation is void ab initio (from the beginning) and a position obtained in this manner shall be deemed to be vacant. Such illegal or fraudulent appointment confers no rights or benefits of that position upon the appointee.

SECTION 8. LIABILITIES OF DISMISSED EMPLOYEES AND THOSE WHO HAVE RESIGNED IN BAD STANDING. Any permanent employee who has been dismissed or who resigns in bad standing shall be removed from all eligibility lists. The employee shall also be disqualified for a two year period from taking any Civil Service examinations and from reemployment unless, in the judgment of the Director of Human Resources, the cause of the dismissal or the circumstances of the resignation in bad standing will not adversely affect the individual's ability to perform some other type of employment.

SECTION 9. HEARING OFFICER.

- (a) The Civil Service Commission shall appoint a hearing officer and two alternate hearing officers. The individuals appointed shall be persons of recognized attainment in the field of labor relations or arbitration, and shall be thoroughly in sympathy with the application of merit principles to the administration of personnel. No person may be appointed or serve as hearing officer while holding another position in the City service. These hearing officers will serve under the direction and at the pleasure of the Commission. The Commission retains the power to hear any matter without using the hearing officer if, in their discretion, the circumstances of the matter so warrant.
- (b) When it is necessary to hold a hearing on an appeal, the Director of Human Resources shall notify the primary hearing officer. If the primary hearing officer is not available, the Director of Human Resources shall notify one of the alternates. As soon as practical, the hearing officer shall schedule dates and proceed with the hearing. The time and place of the hearing shall be announced publicly in the same manner in which Civil Service Commission meetings are announced and shall be held in a public building.
- (c) The hearing officer shall have the same powers and authority in conducting hearings as granted to the Civil Service Commission. The hearing officer shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. All testimony shall be taken under oath and shall be recorded stenographically or by a recording machine under the supervision and control of the hearing officer and shall become the property of the Civil Service Commission.
- (d) The hearing officer shall submit to the Commission a written report setting forth the findings of fact and a recommendation of the action to be taken by the Commission. The hearing officer shall also immediately send a copy of this report to the party or the representative of the party by certified mail or personal service. Each party may, within five (5) calendar days of receipt of the copy of the report, file with the Commission and the other party any objections to the report and recommendation. If a party files an objection, the other party may, within five (5) calendar days, file an answer with the Commission and the adverse party. These objections shall be considered by the Commission before approving, modifying, or disapproving the recommendation.
- (e) The Commission may order additional testimony or require further documentary evidence of either party. However, the Commission shall consider only newly discovered evidence which is material and which the party making the request could not, with reasonable diligence, have discovered and produced before the hearing by the hearing officer.

- (f) The order of the Commission based on the report, objection of the party, and additional testimony and documentary evidence shall have the same effect as if such hearing had been conducted by the Commission. The recommendation of the hearing officer shall not be final until approved by the Commission as indicated by its record of proceeding; and if the Commission modifies or disapproves the recommendation of the hearing officer, it shall include in the record of its proceedings the reason for such modifications or disapproval.

RULE 11. LAYOFF, DISPLACEMENT, AND RECALL

SECTION 1. REDUCTION IN PERMANENT CLASSIFIED PERSONNEL.

- A. Whenever it becomes necessary to reduce the number of permanent employees in the classified service of the City of Akron for reasons of economy and/or efficiency, the Appointing Authority shall have the power to designate the classes, divisions, bureaus and departments to be affected by said layoffs without considering the same or similar classes in other divisions, bureaus or departments. Divisions, bureaus and departments are those employing entities as defined in the omnibus job ordinance and any amendments thereto adopted by City Council.
- B. The Appointing Authority, prior to any reduction of any permanent employees in the classified service of the City of Akron, shall notify the Director of Human Resources of the number of positions to be vacated, the class or classes by division, bureau or department to be affected, and reasons therefore. The Director of Human Resources shall thereupon furnish to the Appointing Authority the names of the employees in the order which such layoffs shall be effected.
- C. A permanent employee in the classified service subject to layoff shall be given a written notice of the layoff by the Appointing Authority at least fourteen (14) calendar days prior to the effective date of the layoff.
- D. A permanent employee in the classified service may appeal a layoff action to the Civil Service Commission within ten (10) calendar days of the receipt of the written notice by filing with the Department of Human Resources a written statement setting forth the reasons for the appeal.
- E. The Civil Service Commission shall hear a properly filed appeal within sixty (60) calendar days of the filing unless the appellant waives the time requirement. The Commission shall determine whether the layoff was for reason of economy and/or efficiency and whether it was procedurally correct and made in good faith.

SECTION 2. ORDER OF LAYOFF.

- A. A reduction in the number of employees in a class in a division, bureau or department shall be made in the following appointment definition order:
 - 1. Provisional employees
 - 2. Temporary employees
 - 3. Seasonal employees
 - 4. Permanent employees
- B. Layoff of permanent employees in the classified service shall be made inversely to their total seniority with the City of Akron. Seniority credit for purposes of layoff, reduction, displacement and recall shall mean:
 - (1) The amount of continuous service a permanent employee has accumulated in the classified service of the City of Akron.

- (2) Any permanent employee who has served as a temporary, seasonal, provisional or probationary employee who has achieved permanent status with no interruption in service shall receive seniority credit for the continuous service including the period served as a temporary, seasonal, provisional or probationary appointee.
 - (3) Permanent part-time employees shall have their continuous service prorated as it relates to full-time employment.
 - (4) Any personal leave without pay or disciplinary action in excess of sixteen (16) consecutive calendar days, shall be subtracted when computing the continuous service of an employee, except sick leave or military leave, for purposes of determining total seniority credit.
 - (5) The continuous service of a permanent employee who has resigned and been reinstated shall be computed from the time of the last reinstatement and no seniority credit shall accrue for service prior thereto.
 - (6) Any employee who has been laid-off from a position in the classified service of the City of Akron shall, upon reinstatement, have the time while on layoff subtracted from the computation of continuous service for purposes of determining total seniority credit.
- C. In the event two or more employees subject to layoff have equal total seniority credit, the order of layoff will be determined by computing the average of their most recent employee service rating grade; the employee with the lowest average service rating grade shall be laid off first. In the event the service rating averages of the employees are equal, the next preceding service ratings in their current classification, including probationary ratings, may be used to break the tie and determine the order of layoff. Should the preceding procedure of averaging service ratings fail to determine the order of layoff, or in the event the employees have not received a service rating in their current classification, the order of layoff shall be in accordance with the employees' final grades received in the selection or promotion process for their current positions; the employee with the lowest final grade to be laid off first.

Should the preceding procedure fail to determine the layoff order, the date of application for the position shall determine the layoff order; the employee with the latest application date to be laid off first.

SECTION 3. DISPLACEMENT.

- A. A permanent employee with at least five (5) years of seniority in the classified service of the City of Akron who has received a notice of layoff shall have the option to be reduced to the next lower class in the same series of classifications in the same department, division or bureau in which the layoff occurred. Such reduction and displacement shall be limited to the smallest employing entity defined by ordinance and named in the layoff notice, providing:
- (1) A position in the next lower classification in the series is vacant and funded. The Appointing Authority shall determine which positions are funded.
 - (2) If no funded vacancy exists in the next lower class in the series, and if the laid off employee's total seniority credit computed as of the effective date of the layoff is

sufficient, s/he may displace an employee with less seniority in a lower class in the series in the employing entity.

- B. Should an employee with at least five (5) years of seniority credit for layoff purposes in the classified service of the City of Akron, who has received a layoff notice, be unable to be reduced or to displace a less senior employee in a lower class of a series in the employing entity as provided for in Section 3A of this rule, the affected employee shall be permitted to return to a class previously held in the employing entity providing the employee still meets the current minimum qualifications as established by the Commission for the position and providing:
 - (1) That position is vacant and funded.
 - (2) If no funded vacancy exists in the formerly held class, the employee's seniority credit computed as of the effective date of the layoff is sufficient to displace an employee with less seniority in the formerly held class.
- C. Permanent employees with at least five (5) years of seniority credit for layoff purposes in the classified service of the City of Akron who occupy a single class position not in a series and who have not held previous lower class permanent positions and receive a notice of layoff, shall be permitted to:
 - (1) Be reduced to a lower class within the employing entity provided a vacant funded position exists and the employee meets the minimum qualifications for the position as established by the Commission.
 - (2) If a vacant funded position in a lower class does not exist, the employee may displace another employee in a lower class in the employing entity who has the least seniority, provided the employee scheduled for layoff meets the current minimum qualifications as established by the Commission for the lower classification.
- D. Any permanent employee in the classified service who has been served with a layoff notice and is otherwise eligible, must notify the Department of Human Resources in writing of his or her intent to seek employment in a lower class as defined in this rule, within five (5) calendar days of the receipt of the layoff notice. Failure to do so shall result in the employee being laid off.
- E. Permanent employees with at least five (5) years of seniority credit for layoff purposes in the classified service of the City of Akron who are displaced as a result of the provisions of this rule, may exercise options A, B, or C of this rule in the same manner as a laid off employee.

SECTION 4. RECALL FROM LAYOFF.

- A. Reemployment Lists: The Department of Human Resources shall establish reemployment lists by classifications of laid off permanent employees. Employees shall be placed on a reemployment eligibility list based on the classification that employee held at the time of layoff and ranked by seniority credit, the most senior first. Such reemployment eligibility lists shall remain in effect until such time as the employee is removed from the list for cause or is reemployed in the classification from which s/he was laid off. After a period of four (4) years, an employee's name shall be removed from the reemployment eligibility list.

- B. Removal of Eligible Candidate from Reemployment Lists: The name of a laid off employee may be removed from the reemployment eligibility list for any of the following causes:
- (1) Failure to respond to a written inquiry regarding the laid off employee's availability for work. Such inquiry may be made from time to time by regular mail by the Department of Human Resources to the last address of record. Given sufficient and good cause for failure to reply, the Director of Human Resources may reinstate the laid off employee to the reemployment eligibility list. The laid off employee shall not be considered for any positions filled while not on the reemployment eligibility list.
 - (2) Failure to notify the Director of Human Resources of any changes in address in writing while their name remains on the reemployment eligibility list.
 - (3) Any of causes enumerated in Rule 2, Section 5 of the Civil Service Commission Rules and Regulations.
 - (4) Failure to respond to a written notice from the Director of Human Resources to return to work or declining an appointment to the same or similar class from which the employee was laid off.
 - (5) Employees recalled from a reemployment eligibility list must return to paid status within ten (10) calendar days of the receipt of notification.
- C. Reemployment in a Lower, Temporary or Seasonal Class. For a period of two (2) years after being placed on a reemployment eligibility list, a laid off employee may be certified to fill permanent, temporary or seasonal positions in the classified service which are at an equal or lower classification than the position from which the employee was laid off, provided that the laid off employee meets the current minimum requirements for the classification as established by the Civil Service Commission. Such recalls shall be at the discretion of the Director of Human Resources, who may prescribe such procedures as provided in Rule 3 of the Civil Service Commission's Rules and Regulations limited to the laid off employees. Acceptance of a lower, temporary or seasonal position does not remove the laid off employee's name from the reemployment eligibility list.
- D. Eligibility for Promotions: Laid off employees not working in a permanent position in the classified service of the City of Akron shall have their names removed from existing promotional eligibility lists and shall not be eligible to participate in promotional examinations.
- E. For purposes of layoff, displacement and recall, a "series of classifications" shall be as determined by the Director of Human Resources.
- F. Implementation: The Human Resource Department shall adopt such procedures and policies and maintain records necessary to carry out the provisions and intent of this Rule.

RULE 12. EFFICIENCY

SECTION 1. STANDARDS OF EFFICIENCY. It shall be the duty of the Director of Human Resources to administer a service rating program for the purpose of measuring the efficiency of officers and employees in the classified service. Such service rating program shall measure as objectively as possible both quantity and quality of work, and such other factors as deemed necessary to determine the manner in which this service is rendered, and the observance of regulations and procedures properly governing the performance of the duties of a position.

SECTION 2. SERVICE RATINGS. The Director of Human Resources shall require appointing authorities to submit service ratings of individual employees periodically upon forms prescribed by the Commission. Service ratings shall be based upon the independent judgment of one or more supervisory officers, at least one of whom shall be the immediate superior of the employee whose services are rated. The factors and method of scoring shall be the same for all employees in the same class and shall bear fair relationship to the duties and responsibilities of the employees to be rated. After the service rating report has been marked, it shall be presented to the employee for review and signature. No alterations shall be made to the service rating report after it has been signed by the employee.

When the service rating report has been marked, reviewed and signed, a copy shall be furnished to the employee, a copy shall be retained in the employee's department, and the original shall be sent to the Department of Human Resources.

Merit increases in compensation and promotional opportunities shall be dependent upon an employee maintaining satisfactory standards of efficiency. Employees with a service rating average of less than satisfactory for the rating period immediately preceding their merit increment date shall not be eligible for a merit increase until a satisfactory service rating average is attained. Candidates for promotional examinations are required to have a satisfactory service rating average for the rating period immediately preceding the examination.

Any permanent employee who receives a service rating average of less than satisfactory shall have thirty (30) days from receipt of notice thereof to file an appeal with the Civil Service Commission setting forth supporting facts and evidence that his or her service rating was not properly determined. The Director of Human Resources shall, prior to the Commission hearing, hold a service rating inquiry with the employee, the employee's supervisors, and the Appointing Authority with respect to said appeal, and may submit a report of findings to the Civil Service Commission. The Director of Human Resources may delegate this inquiry to a staff member of the Human Resource Department. Such findings may be appealed to the Commission within fourteen (14) days of the issuance of the findings. The Commission may amend a service rating that averages less than satisfactory when upon investigation and hearing it ascertains that the rating was not determined in conformity with the rules and the appraisal procedures provided thereunder, and any such amendments shall be recorded on the employee's service rating form. In the event an employee is rejected for promotional examination due to a less than satisfactory service rating average for the rating period preceding the examination and the thirty day appeal time has not expired, the employee must file his or her service rating appeal within five days of the receipt of his or her rejection notice as provided in Rule 2, Section 5, Subsection (2), in order to be granted conditional acceptance to the examination pending the consideration of his or her appeal by the Civil Service Commission. In the event the Civil Service Commission amends the employee's service rating to the extent necessary to qualify him or her for the promotional examination, his or her examination will be graded and if he or she secures a final

passing grade, his or her name will be merged to the eligibility list and he or she shall be eligible for certification thereafter in accordance with his or her standing on the eligibility list.

RULE 13. UNSKILLED LABOR SERVICE

SECTION 1. UNSKILLED LABORER APPLICATIONS AND LISTS. Unskilled laborers shall be appointed in the order of priority of application, and with such tests as the Director of Human Resources may prescribe. Applications will be received as the needs of the service may require, and shall be made on forms furnished by the Commission and filed in the manner prescribed.

SECTION 2. GENERAL REQUIREMENTS FOR UNSKILLED LABORERS. All applicants must:

- (1) Be within the minimum and maximum age limits as set by the specifications.
- (2) Qualify in such tests as the Director of Human Resources may prescribe.
- (3) Meet the minimum qualifications for the job classification.

SECTION 3. REQUISITION AND CERTIFICATION. The head of the department or other Appointing Authority shall make requisition to the Human Resource Department, upon the prescribed form, for the certification of the names of as many unskilled laborers as there are positions to be filled, plus two. Names shall be certified according to priority and the eligible persons certified shall be appointed to the position to be filled.

Whenever an eligible Applicant who has been certified for permanent appointment as unskilled laborer declines appointment, or fails to report for work as notified, his or her name will be removed from the list, unless the reasons given are acceptable to the Director of Human Resources. The acceptance or declination of appointment for temporary work shall not affect the right of an eligible Applicant to certification for permanent appointment.

RULE 14. LEAVES OF ABSENCE

SECTION 1. MATERNITY LEAVE OF ABSENCE. Absence by an employee due to her pregnancy, childbirth or related medical condition that is not covered by the Family Medical Leave Act (FMLA) shall be treated the same as absences of employees who have other temporary disabilities.

SECTION 2. LEAVE FOR EMPLOYMENT BY EMPLOYEE ORGANIZATION. A leave of absence without pay may be granted to an employee who is elected or appointed to a full-time office in an employee organization which is recognized by the City as representing a segment of City employees. Leaves will be granted for a period of up to one year and are renewable each year.

Requests for such leaves shall be made sixty (60) days prior to the effective date and require the approval of the Appointing Authority. The 60 day notice may be waived by the Appointing Authority.

An employee on leave covered by this section must give the Appointing Authority notice of intention to return to the former position at least sixty (60) days prior to the expiration of the leave. The Appointing Authority shall thereupon reinstate the employee to a position in the employee's classification or a comparable position in the same pay range for which the employee is qualified. Such employee is advised to be examined by a physician prior to the leave, as the employee may be required to be examined by a City appointed physician upon return from the leave. Medical records resulting from the pre-leave examination shall remain on file in the Department of Human Resources.

SECTION 3. EFFECTS OF LEAVES OF ABSENCE. A leave of absence without pay for more than sixteen (16) consecutive calendar days:

- (a) Advances the service rating increase date an equivalent number of days, and
- (b) Reduces length of service by an equivalent number of days for vacation leave, sick leave, and longevity pay computation purposes.
- (c) This provision does not apply to approved leaves taken under a furlough program.

All leaves of absence without pay are subject to final approval by the Director of Human Resources.

RULE 15. ADMINISTRATION

SECTION 1. ORGANIZATION AND STAFF. The Civil Service Commission shall consist of three (3) electors of the City, and no more than two (2) shall be adherents of the same political party. The Civil Service Commissioners shall be appointed by the Mayor, with the consent of Council, and shall be persons of recognized competence in personnel administration, public administration, labor relations, law or a related field. The term of office of a Civil Service Commissioner shall be six years. The terms of the three (3) Commissioners shall be staggered so that no term expires within less than two (2) years of the expiration of any other term. A Commissioner shall continue in office after the expiration of the term until a successor takes office. A vacancy occurring during a term shall be filled by the Mayor for the unexpired term with the consent of Council in the same manner as a regular appointment.

The Commission shall elect from its membership a Chairman and a Vice Chair. The Chairman shall preside at all meetings and public hearings of the Commission, and shall represent and act for the Commission in matters deemed appropriate by majority consent of the other members of the Commission and in keeping with applicable provisions of the City Charter and Civil Service Rules. In the absence of the Chairman, the Vice Chair shall exercise the full authority and responsibility of the Chairman.

The Mayor shall appoint a Director of Human Resources. The Mayor shall appoint all employees of the Department of Human Resources to such positions as may be established by the Council. The Director of Human Resources shall direct and supervise the work of the Department of Human Resources. The Director of Human Resources shall act as Chief Examiner and superintend the examinations, and shall administer and enforce these rules, investigate the affect of their enforcement, report from time to time any violations or other conditions which, in his or her judgment, make it desirable to amend the rules, supervise and direct the Department of Human Resources and pass upon employment matters under these rules, and shall perform such other duties as are prescribed by the Charter, by ordinance, or by the Mayor.

SECTION 2. MEETINGS AND MINUTES. Meetings of the Commission shall be held at a time and place designated by the Commission. Notice of the time and place of meetings of the Commission shall be posted at least twenty-four (24) hours prior to each meeting. Two members of the Commission shall constitute a quorum.

Meetings may be held at any time on the call of the Director of Human Resources or of any member of the Commission at a time and place designated. The Director of Human Resources shall act as Secretary to the Commission and shall prepare the minutes. The Director of Human Resources shall have a right to participate in discussions, but shall have no vote. All meetings of the Commission shall be open to the public and the minutes shall be open to public inspection.

RULE 16. RULE AMENDMENTS AND INTERPRETATION

SECTION 1. NOTICE OF AMENDMENTS. No amendment of these rules shall be made by the Civil Service Commission nor shall any rule be repealed nor any new rule be adopted at the same meeting at which it is proposed. No final action to amend, repeal, or supplement rules shall be less than seven days after its proposal and until notice of the proposed amendments, specifying the numbers of the rules to be amended and the date upon which final action is to be taken by the Commission, shall be posted upon the bulletin board, at the entrance of the Commission's office, not later than one week before the date of said meeting, and such meeting shall be open to the public. Amendments to the rules shall be furnished to each Appointing Authority and shall be furnished to any citizen upon request.

SECTION 2. TIME: COMPUTATION. In computing any period of time prescribed or allowed by these rules, by the Commission, or by an applicable statute, the day of the act, event or default from which the designated period of time begins to run, shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. When the Department of Human Resources is closed to the public for the entire day which constitutes the last day for doing such an act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, a Sunday or a legal holiday. The term "legal holiday" refers to those legal holidays established by ordinance.

SECTION 3. SERVICE OR NOTICE, METHODS. Unless otherwise provided in these rules, "notice" or "service" may be accomplished by personal service, residence service, or by sending notice in regular or certified mail.

SECTION 4. EFFECT OF INVALIDITY IN PART. If any part or sub-part, sentence, clause or phrase of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions. The Civil Service Commission hereby declares that it would have passed each part, sub-part, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sub-parts, sentences, clauses or phrases be declared invalid

SECTION 5. USE OF GENDER PRONOUNS. Where masculine pronouns (he, his, him) are used anywhere in these Rules, it shall be construed to include either gender in the connotation in which it is written.

RULE 17. REPORTS TO THE COMMISSION

Reports to the Commission are necessary for the proper establishment and maintenance of the service register and for the expeditious certification of payrolls.

The service register shall consist of a register of all persons in the City service showing each name, position held, salary or wage paid, the date and character of service, and every change of status.

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